

Nays: Anderson, Barrientos, Brooks, Green, Johnson, Parmer, Sarpalius, Truan, Uribe, Washington, Whitmire.

Absent: Caperton, Parker, Santiesteban.

CONGRATULATORY RESOLUTIONS

S.R. 453 - By Blake: Commending A. L. Mangham, Jr.

S.R. 514 - By Johnson: Commending Fred Leonard Lander III.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:33 p.m. adjourned until 9:30 a.m. tomorrow.

APPENDIX

Signed by Governor
(May 6, 1987)

S.B. 280 (Effective September 1, 1987)
S.B. 312 (Effective January 1, 1988)
S.B. 326 (Effective August 31, 1987)
S.B. 591 (Effective September 1, 1987)
S.B. 739 (Effective immediately)
S.B. 20 (Effective September 1, 1987)
S.B. 355 (Effective August 31, 1987)
S.B. 630 (Effective August 31, 1987)
S.B. 469 (Effective September 1, 1987)
S.B. 431 (Effective September 1, 1987)
S.B. 83 (Effective immediately)
S.B. 266 (Effective immediately)
S.B. 701 (Effective September 1, 1987)
H.B. 351 (Effective immediately)
H.B. 452 (Effective immediately)
H.B. 692 (Effective September 1, 1987)
H.B. 475 (Effective immediately)

FIFTY-THIRD DAY

(Friday, May 8, 1987)

The Senate met at 9:30 a.m., pursuant to adjournment and was called to order by Senator Brooks.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Blake.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, give these who serve the long view of their work, and see that sometimes it is better to fail in a cause that will ultimately succeed than to succeed

in a cause that will ultimately fail. Strengthen each one as they seek to bring to fruition their ideas and do so above party or personality for the good of our State and its people. In Thy strong name we pray. Amen.

On motion of Senator Harris and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Blake was granted leave of absence for today on account of important business on motion of Senator Harris.

REPORTS OF STANDING COMMITTEES

Senator Caperton submitted the following report for the Committee on Jurisprudence:

S.B. 1115
S.B. 1318
S.B. 1077
S.B. 1018
S.J.R. 45
H.B. 153
H.B. 372
C.S.S.B. 1093

Senator McFarland submitted the following report for the Committee on Criminal Justice:

S.B. 880
S.B. 1084
S.B. 1212
C.S.S.B. 1120

Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.B. 852

Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.C.R. 101

Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.B. 134
S.B. 1435
C.S.S.B. 780

Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 285
H.B. 9
H.B. 187
H.B. 2130
H.B. 581
S.B. 1210
S.B. 1432

H.B. 1071
H.B. 1020
S.B. 1464
H.B. 1021 (Amended)
H.B. 423 (Amended)
H.B. 1232 (Amended)
C.S.S.C.R. 63
C.S.H.B. 1909
C.S.H.J.R. 88
C.S.S.B. 562

Senator Parmar submitted the following report for the Committee on Intergovernmental Relations:

H.B. 2523
S.B. 1458
H.B. 758
H.B. 591
H.B. 1560
H.B. 1756
S.B. 945
C.S.S.B. 599
C.S.H.B. 1002
C.S.S.B. 1415

MESSAGE FROM THE HOUSE

House Chamber
May 8, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 367, Relating to the exemption of recreational boats from ad valorem taxation. (Amended)

S.B. 494, Relating to the assessments for the Texas Catastrophe Property Insurance Association.

H.B. 1953, Relating to the regulation of dealers of certain motor vehicles.

H.B. 2514, Relating to the examination, approval, registration, and recording of certain bonds.

H.B. 604, Relating to certain requirements for eligibility for unemployment compensation benefits.

H.B. 168, Relating to boarding homes for elderly persons and personal care homes.

H.B. 422, Relating to the creation of the offense of disclosing information obtained from a criminal investigation.

H.B. 440, Relating to State agencies paying court costs and attorney's fees of small businesses that prevail in a dispute with a State agency.

H.B. 547, Relating to the sales and use tax rate applicable to cigarette rolling papers.

H.B. 1160, Relating to the misapplication of certain construction funds held in trust and criminal penalties for such misapplication.

H.B. 1948, Relating to conflicts of interest of local public officials.

H.B. 1165, Relating to the incorporation of a city within the area annexed by another city for limited purposes.

H.B. 1939, Relating to the removal or alteration of serial numbers on tractors, farm implements, or special mobile equipment.

H.B. 1896, Relating to requiring certain agricultural employers to provide agricultural laborers with information concerning hazardous chemicals to which they may be exposed during their employment, and to powers and duties of the Department of Agriculture concerning the provision of that information; providing civil and criminal penalties.

H.B. 485, Relating to the taxation of the intangible property of certain bus companies.

H.B. 1875, Relating to the regulation of on-site sewage disposal systems; providing penalties.

H.B. 556, Relating to the operation of an authorized emergency vehicle.

H.B. 624, Relating to the civil jurisdiction of the justice and small claims court.

H.B. 1123, Relating to a limousine service alcoholic beverage permit.

H.B. 2445, Relating to property taxation of business inventory.

H.B. 1239, Relating to the classification of Parks and Wildlife Code misdemeanors and to jurisdiction of misdemeanor offenses charged under that code.

H.B. 826, Relating to the offense of failure to identify oneself to a peace officer.

H.B. 1565, Relating to the repeal of the workers' compensation laws of this State.

H.B. 1294, Relating to mandatory proof of financial responsibility for a motor vehicle.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 638 WITH HOUSE AMENDMENT

Senator Whitmire called **S.B. 638** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment - Polumbo

Amend **S.B. 638** as follows:

On page 1, line 11, strike the word "first" and substitute "second".

The amendment was read.

Senator Whitmire moved to concur in the House amendment.

The motion prevailed viva voce vote.

SENATE BILL 742 WITH HOUSE AMENDMENT

Senator Whitmire called **S.B. 742** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment - Polumbo

Amend **S.B. 742** by adding in subsection (d)(2) on line 21 after the word "requirements" and before the word "for" the following:

"which shall not exceed the physical requirements established by the Commission pursuant to Section 9, Chapter 325, Acts of the 50th Legislature, 1947 (article 1269m, Vernon's Texas Civil Statutes)"

The amendment was read.

Senator Whitmire moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Blake.

LEAVE OF ABSENCE

Senator Glasgow was granted leave of absence for the remainder of today on account of important business on motion of Senator Edwards.

GUEST PRESENTED

Senator Tejeda was recognized and introduced Colonel A. W. Mays, of Universal City, Medical Coordinator of the Texas National Guard at Camp Mabry, Austin, the Capitol Physician for the Day.

The Senate welcomed Colonel Mays and expressed appreciation for his service.

SENATE RESOLUTION 508

Senator Uribe offered the following resolution:

WHEREAS, The Senate of the State of Texas is honored to welcome Yvonne-Margarete Heinen, of Koblenz, Germany, to the Capital City and Capitol Building; and

WHEREAS, Born on December 27, 1956, she graduated from the University of Monchengladbach with a master's degree in Apparel Design; and

WHEREAS, An accomplished and talented young woman, she is the editor of Streetlife Publishing House and the past editor of Sportswear-International; and

WHEREAS, We desire to welcome this outstanding young woman from Germany to the United States, to Austin, Texas, and to the Senate of the State of Texas; now, therefore, be it

RESOLVED, That her presence be recognized by the Senate of the State of Texas and that she be extended the official welcome of the Senate; and, be it further

RESOLVED, That Yvonne-Margarete Heinen be made an Honorary Citizen of the State of Texas with all attendant rights and privileges; and, be it further

RESOLVED, That a copy of this resolution be prepared for her as an expression of best wishes from the Texas Senate for a most memorable and enjoyable visit to the Lone Star State.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Ms. Heinen was escorted to the President's Rostrum for a welcome to the Texas Senate.

The Presiding Officer (Senator Brooks in Chair) presented Ms. Heinen with an enrolled copy of S.R. 508.

Ms. Heinen expressed her appreciation to the Members of the Senate.

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Brown and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 116 by Brown Jurisprudence
Granting Engineering Directions Personnel Services, Inc., permission to sue the State of Texas and The University of Texas Health Science Center at Houston.

S.B. 1499 by Caperton Intergovernmental Relations
Relating to the membership of the Houston County Juvenile Board.

S.B. 1500 by Sarpalius Finance
Relating to the adjustment of the state sales and use tax rate to prevent a revenue shortage or surplus.

S.B. 1501 by Caperton Intergovernmental Relations
Relating to the composition of the Austin County Juvenile Board.

S.B. 1502 by Glasgow Natural Resources
Relating to the creation, administration, powers, duties, operations, financing and dissolution of Lakeside Utility and Reclamation District.

CO-SPONSOR OF HOUSE BILL 81

On motion of Senator Farabee and by unanimous consent, Senator Edwards will be shown as Co-sponsor of H.B. 81.

CO-AUTHORS OF SENATE JOINT RESOLUTION 8

On motion of Senator Anderson and by unanimous consent, Senators Armbrister, Barrientos, Brooks, Caperton, Edwards, Green, Johnson, Krier, Lyon, McFarland, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Washington, Whitmire and Zaffirini will be shown as Co-authors of S.J.R. 8.

CO-AUTHORS OF SENATE BILL 159

On motion of Senator Anderson and by unanimous consent, Senators Armbrister, Barrientos, Brooks, Caperton, Edwards, Green, Johnson, Krier, Lyon, McFarland, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Washington, Whitmire and Zaffirini will be shown as Co-authors of S.B. 159.

SENATE BILL 426 ON THIRD READING

Senator Uribe asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 426, Relating to eligibility for the board of trustees of the Texas Municipal Retirement System.

There was objection.

Senator Uribe then moved to suspend the regular order of business and take up S.B. 426 for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Anderson, Armbrister, Brooks, Caperton, Edwards, Green, Johnson, Krier, Lyon, McFarland, Parker, Parmer, Sarpalius, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Brown, Farabee, Harris, Henderson, Jones, Leedom, Montford, Sims.

Absent: Barrientos, Santiesteban.

Absent-excused: Blake, Glasgow.

The bill was read third time and was finally passed by the following vote: Yeas 20, Nays 7.

Yeas: Anderson, Armbrister, Brooks, Caperton, Edwards, Green, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Brown, Farabee, Harris, Henderson, Jones, Leedom, Sims.

Absent: Barrientos, Santiesteban.

Absent-excused: Blake, Glasgow.

SENATE BILL 1444 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1444, Relating to the tuition rate applicable to certain scholarship students.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1444 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1444** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Barrientos, Santiesteban.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Barrientos, Santiesteban.

Absent-excused: Blake, Glasgow.

SENATE BILL 1383 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1383, Relating to prohibiting certain solid waste sites or operations from accepting certain wastes.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Amend **S.B. 1383** by striking all below the enacting clause and substituting the following:

Section 1. The Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes) is amended by adding Section 4A to read as follows:

Sec. 4A. (a) For purposes of this section, "putrescible" means organic waste, such as garbage, wastewater treatment plant sludge, and grease trap waste, that is capable of becoming decomposed by micro-organisms with sufficient rapidity as to cause odors or gases or is capable of providing food for, or attracting, birds, animals, and disease vectors.

(b) A solid waste site or operation permitted as a type IV landfill may not accept solid waste that is in completely enclosed containers or enclosed vehicles unless:

(1) the solid waste is transported on a route approved by the department that is designed to eliminate putrescible, hazardous and infectious waste;

(2) the solid waste is delivered to the site or operation on the days and times designed and approved by the department to eliminate putrescible, hazardous and infectious waste;

(3) the transporter possesses a special permit issued by the department that indicates the approved route, date, and time; and

(4) a department inspector must be present to verify that the solid waste is free of putrescible, hazardous and infectious waste.

(c) This section does not apply to:

(1) a stationary compactor at a particular location that is permitted annually under this section by the department, on certification by the generator to the department that the contents of the compactor are free of putrescible, hazardous and infectious waste.

(2) enclosed vehicles of a municipality if the vehicles are permitted by the department to transport brush or construction-demolition waste and rubbish on designated dates, on certification by the municipality to the department that the contents of the vehicles are free of putrescible, hazardous and infectious waste.

(d) The department may issue permits under this section to persons required to obtain permits under this section and may charge a reasonable fee to cover the costs of the special permits. The department may adopt necessary rules of procedure to carry out this permit program.

(e) The department may adopt any rules necessary to carry out the purposes of this section.

(f) A person commits an offense under this section if the person disposes of solid waste in a completely enclosed container or vehicle at a solid waste site or operation permitted as a Type IV landfill:

(1) without having in possession the special permit required by this section;

(2) on a date or time not authorized by the department; or

(3) without a department inspector present to verify that the solid waste is free of putrescible, hazardous and infectious waste.

(g) An operator or hauler who violates any provision of this section will be subject to a Class B misdemeanor in addition to other penalties provided for in this Act.

SECTION 2. The Texas Department of Health shall adopt rules for the implementation of this Act not later than September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days

in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 1383 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1383 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Anderson, Armbrister, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Green, Washington.

Absent: Barrientos, Santiesteban.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 1.

Nays: Green.

Absent: Barrientos, Santiesteban.

Absent-excused: Blake, Glasgow.

(President in Chair)

VOTE BY WHICH SENATE REFUSED TO CONFIRM NOMINEES RECONSIDERED

Senator Washington, he having voted on the prevailing side, moved to reconsider the vote by which the Senate refused to confirm the nominations of Henry B. Keene and Chris A. Mealy, to be Members of the Board of Pardons and Paroles.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Johnson, Sarpalius.

Absent-excused: Blake, Glasgow.

Question - Shall these nominees be confirmed?

Senator Washington moved that Henry B. Keene and Chris A. Mealy, to be Members of the Board of Pardons and Paroles, be confirmed to that board.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland,

Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Johnson, Sarpalius.

Absent-excused: Blake, Glasgow.

MESSAGE FROM THE HOUSE

House Chamber

May 8, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 140, Honoring the Atlantic Richfield Credit Union on its 50th anniversary.

H.C.R. 145, Commending Ray Hennig for thirty years of dedicated support and professional assistance to many of Texas' talented musicians and designating December 16, 1987, as Ray Hennig Day in Texas.

H.C.R. 154, Congratulating the La Porte High School boys' basketball team on winning the Class 5A State Championship.

H.C.R. 155, Congratulating Coach Tom Holland of La Porte High School on being named the Basketball Congress International Texas Coach of the Year for 1987.

H.C.R. 161, Honoring The University of Texas Lady Longhorns.

H.C.R. 162, Congratulating the Lanier High School drill team.

S.C.R. 84, In memory of educator and bibliophile Hazel A. Owens.

S.C.R. 99, In memory of Galveston County Clerk Mary Jane Christensen.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 108	H.B. 850
S.B. 26	H.B. 1221
S.B. 213	H.B. 1248
S.B. 267	H.B. 1731
S.B. 439	H.B. 1732
S.B. 506	H.B. 1737
S.B. 950	H.B. 1834
S.B. 1134	H.J.R. 48
S.B. 1148	H.C.R. 64
H.B. 275	H.C.R. 98
H.B. 526	H.C.R. 137
H.B. 568	H.C.R. 164
H.B. 597	H.C.R. 190
	H.C.R. 191

**COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 48
ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

C.S.S.C.R. 48, Establishing the Texas Literacy Council.

The resolution was read second time and was adopted viva voce vote.

GUEST PRESENTED

Ms. Janey Lack, Chair of the Governor's Task Force on Literacy and author of "Literacy As A Strength - A Challenge to Texas" was escorted to the President's Rostrum.

Ms. Lack was introduced to the Senate and received an expression of welcome and appreciation.

SENATE JOINT RESOLUTION 56 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 56, Proposing a constitutional amendment providing for the issuance of general obligation bonds for certain construction projects.

The resolution was read second time.

Senator McFarland offered the following amendment to the resolution:

Amend **S.J.R. 56**, SEC. 1, Sec. 49-h(a) as follows:

After the words "up to" and before the word "million" delete the figure \$300 and insert in lieu thereof the figure \$500.

The amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 56 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 56** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Blake, Glasgow.

SENATE BILL 1407 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1407, Relating to the issuance of bonds to finance certain state facilities.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **S.B. 1407**, SEC. 1, Sec. 49-h(a) as follows:

After the words "up to" and before the word "million" delete the figure \$300 and insert in lieu thereof the figure \$500.

The amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 1407 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1407** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

(Senator Brooks in Chair)

SENATE BILL 856 ON SECOND READING

Senator Truan asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 856, Relating to regulation of the transportation of hazardous materials by railroad.

There was objection.

Senator Truan then moved to suspend the regular order of business and take up **S.B. 856** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Caperton, Edwards, Farabee, Green, Johnson, Krier, Lyon, Parker, Parmer, Santiesteban, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Brown, Henderson, Jones, Leedom, McFarland, Montford, Sarpalius, Sims.

Absent: Harris.

Absent-excused: Blake, Glasgow.

The bill was read second time.

Senator Uribe offered the following amendment to the bill:

Amend S.B. 856 by striking all below the enacting clause and substituting the following:

SECTION 1. DEFINITIONS. In this Act:

(1) "Emergency response agency" means a fire department or district or a police or law enforcement agency.

(2) "Hazardous material" means any substance the transportation by railroad of which is included within the coverage of rail car placarding requirements of regulations adopted by the federal Department of Transportation and published in Title 49, Code of Federal Regulations.

(3) "Incident" means fire, breakage, spillage, derailment, suspected radioactive contamination, or any other situation that in the judgment of the railroad should be reported to an emergency response agency.

(4) "Hazardous waste" has the meaning assigned by Section 2(15), Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes).

SECTION 2. REPORTING REQUIREMENTS. (a) Before transporting any hazardous material or hazardous waste in or through the state, a railroad company shall provide to the Railroad Commission of Texas and to each dispatcher employed by the railroad company in this state an inventory describing the location of each rail line that the company owns, leases, or operates in the state and providing the name and long-distance 24-hour telephone number of each emergency response agency operating within area traversed by the rail line. Each motor carrier operating as a common carrier for the transportation of property for compensation or hire over routes fixed by certificates of convenience and necessity issued by the Railroad Commission of Texas and transporting any hazardous material or hazardous waste in or through the state shall also provide an inventory describing the routes served and providing the name and long-distance 24-hour telephone number of each emergency response agency operating within the area traversed by the motor carrier company's vehicles.

(b) A railroad company or a motor carrier that transports hazardous materials or hazardous waste in or through the state annually shall provide to each emergency response agency operating within area traversed by a rail line or a certificated route that the company owns, leases, or operates in the state the following information:

(1) a list of each type of hazardous material or hazardous waste and the quantity transported through or within the emergency response agency's area during the preceding year;

(2) any change in the methods approved by the federal government during the preceding year for the proper handling of each type of hazardous material or hazardous waste in case of incident;

(3) the name and address of the railroad or motor carrier employee in charge of training persons to handle incidents related to hazardous materials and hazardous waste;

(4) the approximate normal operating schedule for trains and motor vehicles carrying hazardous materials and hazardous waste;

(5) the normal procedure for placement in a train of a car carrying hazardous materials or hazardous waste; and

(6) a method of obtaining information from the railroad company or the motor carrier company in case of an incident, including the company's 24-hour emergency telephone number.

(c) Each railroad or motor carrier company annually shall verify the 24-hour long-distance emergency telephone number and the geographical limits of each emergency response agency and notify the commission of any changes.

(d) Before transporting in or through the state any hazardous material or hazardous waste for which an "Explosives A" or a "Poison Gas" placard is required by federal law, a railroad or motor carrier company shall provide advance telephonic notice to the commission, including the following information:

(1) the name of each hazardous material or hazardous waste to be transported;

(2) the quantity of each hazardous material or hazardous waste to be transported;

(3) a complete identification of the railroad or motor carrier equipment in or on which the material will be transported;

(4) the name or identification number of each train or motor vehicle handling hazardous materials or hazardous waste;

(5) the point within the state at which the transportation by the reporting railroad or motor carrier will begin;

(6) the point within the state at which the transportation by the reporting railroad will end or at which the hazardous materials or hazardous waste will leave the state;

(7) the estimated time of the beginning of the transportation within the state by the reporting railroad or motor carrier; and

(8) the estimated time for completion of the transportation within the state by the reporting railroad or motor carrier.

(e) The commission shall determine the annual deadline for filing the information required by Subsection (b) of this section. The commission may prescribe the form of written reports required by this section and may adopt rules that are consistent with the requirements provided by this section and that relate to the content of the information required.

SECTION 3. RADIO REQUIREMENTS. (a) A railroad company transporting hazardous materials or hazardous waste in or through the state shall equip each train carrying the hazardous materials or hazardous waste with a radio transmitter-receiver capable of transmitting and receiving voice messages on the same wavelengths as the transmitter-receiver at the office of the dispatcher in charge of the train.

(b) The railroad company shall place one radio transmitter-receiver in the leading locomotive and one in the occupied caboose. If there is no occupied caboose, the railroad company shall require an additional radio handset.

(c) A motor carrier company transporting hazardous materials or hazardous waste in or through the state shall equip each vehicle with a radio transmitter-receiver, matching the wavelengths of the vehicles and the dispatcher located at the motor carrier company's nearest dispatch office.

(d) All required radio transmitter-receivers and radio handsets must be in good working order.

SECTION 4. INSPECTION. (a) A railroad or motor carrier company transporting hazardous materials or hazardous waste in or through the state shall issue written instructions to its employees, requiring that a car man or a member of the train or switch crew, or a member of the cab crew in a motor vehicle, make a visual inspection of the train or motor vehicle at each yard or station where the rail cars or vehicles carrying hazardous materials or hazardous waste are picked up or set out, or where the transportation by the railroad or motor carrier company originates or terminates in this state, in order to ascertain whether there is any evidence of leakage or change of contents or obvious defects in the running gear of rail cars or vehicles carrying hazardous materials or hazardous waste. The instructions shall specify that the dispatcher, railroad, or motor carrier shall be notified immediately of all problems observed and not promptly corrected.

(b) Each railroad or motor carrier company shall provide the written instructions required by Subsection (a) of this section before October 1, 1987. The instructions shall be reissued annually to each operating employee.

SECTION 5. RULEMAKING. The Railroad Commission of Texas may adopt other rules for administering this Act.

SECTION 6. EFFECTIVE DATE. This Act takes effect September 1, 1987.

SECTION 7. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted viva voce vote.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Jones and Sarpalius asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE HOUSE JOINT RESOLUTION 88 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business, the Intent Calendar rule and the printing rule were suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.J.R. 88, Proposing a constitutional amendment allowing the issuance of general obligation bonds for undertakings related to a Superconducting Super Collider research facility.

The resolution was read second time and was passed to third reading viva voce vote.

COMMITTEE SUBSTITUTE HOUSE JOINT RESOLUTION 88 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.J.R. 88** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Blake, Glasgow.

COMMITTEE SUBSTITUTE HOUSE BILL 1909 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business, the Intent Calendar rule and the printing rule were suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1909, Relating to the powers and duties of the Texas National Research Laboratory Commission; granting authority to issue bonds.

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Amend **C.S.H.B. 1909**, Section 2, Subsection (e), page 7, so that the sentence beginning on line 19 reads as follows:

Bonds may mature serially or otherwise not more than 50 years from their date; provided, that bonds payable from money appropriated to the commission by the legislature shall not mature or be subject to redemption before September 1, 1989, and the date of the first interest payment to be made from appropriated money shall not be scheduled to occur before September 1, 1989.

The amendment was read and was adopted viva voce vote.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 1909
ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1909** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Blake, Glasgow.

**COMMITTEE SUBSTITUTE SENATE BILL 1446
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1446, Relating to the regulation of solid waste disposal.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 1

Amending **C.S.S.B. 1446** by striking Section 12 of the bill and substituting the following in lieu thereof:

The Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended by adding Section 8c to read as follows:

Sec. 8c. If a person violates the provisions of this Act relating to solid waste under the jurisdiction of the commission or a rule or order relating to solid waste under the jurisdiction of the commission adopted or a solid waste permit or registration issued by the commission under this Act, the commission may issue an order to the person requiring compliance with this Act and specifying the corrective action that the person must take to achieve compliance. Such an order may be issued in lieu

of, or in addition to, an order under Section 8b of this Act assessing administrative civil penalties. Judicial review of an order issued under this section shall be in the district court of the county in which the alleged violation occurred.

The amendment was read and was adopted viva voce vote.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 2

Amending C.S.S.B. 1446 by inserting the following as Section 13 and renumbering all following sections accordingly:

SECTION 13. Section 9, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended by adding subsection (h) to read as follows:

(h)(1) In appeals of an administrative order issued pursuant to Section 8(g) or Section 13(g)(2), in any action to enforce such an administrative order, in civil suits seeking injunctive relief under Section 8(g)(1), and in cost recovery suits under Section 13(g)(3) or Section 13(g)(4), the state, if it prevails, shall be entitled to recover from parties against whom liability has been established, its reasonable attorney's fees, its reasonable costs of preparing and providing witnesses, and its reasonable costs of having investigated and assessed the facility or site. The court shall apportion such costs among liable parties as it determines is equitable and just.

(2) Costs recovered by the State under subdivision (1) shall be remitted to the commission and placed in the hazardous waste generation and facility fees fund to be used by the commission for the administration of the hazardous waste management program. All amounts recovered under this subsection shall be placed by the commission in a separate account within the hazardous waste generation and facility fees fund.

(3) In the event the state's orders enumerated under subdivision (1) are found by the court to be frivolous, unreasonable or without foundation as regarding any party named in the order, such party appealing or contesting the order shall be entitled to recover from the state its reasonable attorney's fees, its reasonable costs of preparing and providing witnesses, and its reasonable costs of studies, analyses, engineering reports, tests, or other projects the court finds were necessary for the preparation of the party's case.

The amendment was read and was adopted viva voce vote.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1446
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1446 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1043
ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1043, Relating to medical examinations ordered by the association under the Workers' Compensation Act.

The bill was read second time and was passed to engrossment viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 1043
ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1043** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

SENATE BILL 991 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 991, Relating to cooperative bilateral educational decision making for certain school districts and their employees.

The bill was read second time.

Senator Edwards offered the following amendment to the bill:

Amend **S.B. 991**, Section 1 by adding subsection (d):

(d) Nothing contained herein shall prohibit other meetings with teachers or groups of teachers.

The amendment was read and was adopted viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 991 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 991** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1132
ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1132, Relating to the regulation of health maintenance organizations and their agents.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 1132** on page 8, line 58, by striking “\$100,000” and substituting “\$125,000”.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1132
ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1132** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

SENATE BILL 22 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 22, Relating to the registration of a commercial motor vehicle or a semitrailer used in combination with a commercial motor vehicle used primarily for farm purposes.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 22 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 22** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1266 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1266, Relating to the delivery of voter registration applications by certain volunteer deputy registrars.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1266 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1266** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
May 8, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 125, Creating the Joint Committee on Energy Revitalization.

H.C.R. 150, Granting Stokes Construction Company permission to sue the State of Texas and the Texas Parks and Wildlife Department.

H.C.R. 151, Granting John Chrestia permission to sue the State of Texas and the State Purchasing and General Services Commission.

H.C.R. 146, Granting Cedarland Development Company, N.V. permission to sue the State of Texas and State Purchasing and General Services Commission.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**MOTION TO PLACE SENATE BILL 1191
ON SECOND READING**

Senator Brown moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1191, Relating to appeal from an action taken pursuant to Section 26.177 of the Water Code.

The motion was lost by the following vote: Yeas 15, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Brooks, Brown, Caperton, Farabee, Harris, Henderson, Jones, Krier, Leedom, McFarland, Montford, Santiesteban, Sims, Uribe.

Nays: Anderson, Barrientos, Edwards, Green, Johnson, Lyon, Parker, Parmer, Sarpalius, Tejeda, Truan, Washington, Zaffirini.

Absent: Whitmire.

Absent-excused: Blake, Glasgow.

**COMMITTEE SUBSTITUTE SENATE BILL 1348
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1348, Relating to fees and costs that may be charged in a proceeding for a protective order; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1348
ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1348** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Blake, Glasgow.

SENATE BILL 982 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 982, Relating to the exemption from ad valorem taxation of land used for disposal of dredge material from the Gulf Intracoastal Waterway.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **S.B. 982** by striking Sec. 11.29 and substituting the following:

Intra Coastal Waterway Dredge Disposal Site

(a) A person is entitled to an exemption from taxation of land that the person owns and that has been dedicated by recorded donated easement dedicating said land as a disposal site for depositing and discharging materials dredged from the main channel of the Gulf Intracoastal Waterway by or under the direction of the State or Federal government.

The amendment was read and was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 982 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 982** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1211
ON SECOND READING**

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1211, Relating to the control of sources of air pollution.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1211
ON THIRD READING**

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1211** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1176 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1176, Relating to the regulation of a person who is or seeks to become the sports agent of certain collegiate athletes; providing a penalty.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **S.B. 1176** as follows:

1. Amend SECTION 1, subsection (2) to read as follows:
(2) "Athlete agent" means a person who or an agent firm which directly or....
2. Amend SECTION 2, subsection (c)(6) to read as follows:
(6) the names and addresses of all athletes for whom the athlete agent has performed professional services during the ten years prior to application for registration, accompanied by....
3. Amend SECTION 2, subsection (e) to read as follows:

(3) To produce sufficient revenue to offset the expenses incurred by the secretary of state in administering this Act, an annual filing fee must be paid by the athlete agent or agent firm, except that if the agent is a member of the State Bar of Texas, no filing fee shall be required. The fee is \$1000.

4. Amend SECTION 4, subsection (1) to read as follows:

(1) sell, transfer, or give away any interest in or the right to participate in the profits of the athlete without the prior written consent of the secretary of state.

5. Amend SECTION 5 to read as follows:

SECTION 5. PERMITTED CONTACTS WITH TEXAS NCAA ATHLETE. If an institution of higher education located in this state elects to sponsor athlete agent interviews on its campus before the Texas NCAA athlete's final year of NCAA eligibility, it shall post public notice at least ten days prior to the time at which interviews will be allowed. A registered athlete agent may interview with the athlete to discuss the athlete agent's representation of the athlete in the marketing of the athlete's athletic ability or reputation only in accordance with the specific rules of each separate electing institution. The institution shall post public notice with regard to its rules regarding the time, place, and duration of the athlete agent interviews. The interviews must be conducted in that final year during a period not to exceed 30 consecutive days.

6. Amend SECTION 7, subsection (2) to read as follows:

(2) all travel and entertainment expenditures incurred by the athlete agent in connection with contacts made with Texas NCAA athletes or Texas non-NCAA athletes according to the provisions and limitations of this Act. The travel and entertainment expenditures shall include, but not be limited to, food, beverages, maintenance of a hospitality room....

The amendment was read and was adopted viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 1176 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1176 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1078 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1078, Relating to emergency medical services and trauma care systems.

The bill was read second time.

Senator Tejeda offered the following amendment to the bill:

Amend C.S.S.B. 1078 as follows:

1. On page 2, lines 17 and 18, delete the words "at least as stringent as the guidelines".
2. On page 2, lines 19 and 20, delete the words "specified by the American College of Surgeons".
3. On page 2, line 20, add the following sentence after the period:
"The board shall consider guidelines adopted by the American College of Surgeons and the American College of Emergency Physicians in adopting rules under this section."
4. On page 3, line 2, delete the words "and nontrauma".
5. On page 3, line 11, strike the word "and".
6. On page 3, line 13, strike the period and after the word "components" add a semicolon and the word "and".
7. On page 3, between lines 13-14, insert the following new subdivision:
"(8) assurances that designated trauma facilities will not deny the acceptance of a transfer of a trauma patient from another facility based solely upon the person's inability to pay for services, or because of age, sex, race, religion, or national ancestry."
9. On page 3, line 23 insert the following sentence to Subsection (a): "In adopting rules under this Act the board may include criteria for designation including trauma case, load geographic boundaries, and/or minimum population requirements, but in no case shall a designation or designation renewal be denied based on these criteria."
10. On page 3, line 25 after the word "designation" delete the words "as a trauma facility in accordance with rules adopted".
11. On page 4, line 1 delete the words "by the board" and substitute the following:
"and shall be designated as a trauma facility if it meets the requirements in accordance with rules adopted by the board. Prior to the effective date of the rules adopted by the board for the designation of trauma facilities a health care facility shall be designated as a trauma facility if it is in substantial compliance with the October, 1986 guidelines of the American College of Surgeons or the guidelines of the American College of Emergency Physicians that were in effect on September 1, 1987. Such facility shall continue to comply with such guidelines and shall maintain its designation as a trauma facility for a two year period following the effective date of rules adopted by the board during which time the facility will be granted the opportunity to modify or otherwise adjust its emergency medical services and trauma care policies and procedures in order to comply with the requirements adopted by the board. Following the two year period and upon compliance with the rules adopted by the board under this Act, the hospital may apply for and shall be granted continued designation beyond that two year period."
12. On page 4, line 3 delete the words "regional medical center".
13. On page 4, line 7 through line 11 delete the language and substitute the following:

“The board shall charge each health care facility that applies for initial or continuing designation as a trauma facility a fee for an initial designation or a designation renewal. The board shall adopt by rule a fee schedule for the designation or designation renewal that is based on the number of beds in the health care facility. The fee adopted by the board for the highest level designation shall not exceed \$3 per bed, but in no event shall the total fee be less than \$100 or more than \$3000. The fee adopted by the board for the intermediate level(s) designation shall not exceed \$2 per bed, but in no event shall be less than \$100 or more than \$2000. The fee adopted by the board for the lowest level designation shall not exceed \$1 per bed, but in no event shall the fee be less than \$100 or more than \$1000. In no case shall the fee be greater than the cost directly related to the designation of trauma facilities under the Act.”

14. On page 4, line 12 after the word “committee” add “of 12 members or less”

15. On page 4, line 13, delete the word “assist” and substitute the word “advise” and delete the word “bureau” and substitute the word “board” in its place.

16. On page 4, line 14 between the words “expertise” and “relating” insert the following: “and to review and comment on hospital administrative and operational considerations.”

17. On page 4, line 14, delete the words “the designation of trauma facilities” and substitute the words “rules adopted under this article” in their place.

18. On page 4, line 15 after the word “include” add the following “hospital administrators representing both urban and rural facilities, based on a list of recommendations submitted by statewide associations of hospitals.”

19. On page 4, line 17, delete the words “a representative”, insert the words “representatives appointed”.

20. On page 4, line 17 after the word “from” delete the word “an” and substitute “a statewide association of”

21. On page 4, line 17 delete the word “association”.

22. On page 5, line 1, at the end of Section 4.03, add the following:

“Sec. 4.04. DENIAL, SUSPENSION, OR REVOCATION OF DESIGNATION. (a) The department may deny, suspend, or revoke the designation of a health care facility as a trauma facility who fails to comply with the rules or standards for designation required under this Article.

(b) The procedure for denial, suspension, or revocation of the designation of a health care facility as a trauma facility and the procedure by which such action is appealed are governed by department rules for a contested case hearing and by the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon’s Texas Civil Statutes).“

The amendment was read and was adopted viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1078
ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1078 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1131
ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1131, Relating to conflicts of interest for a local public official with a substantial interest in a business.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 1131** by adding the following as a new SECTION 1 and renumbering subsequent sections appropriately:

SECTION 1. Sec. 3(a)(1), Article 988(b), Vernon's Texas Civil Statutes, is amended to read as follows:

Sec. 3. (a) Except as provided by Section 5 of this Act, a local public official commits an offense if he knowingly:

(1) participates in a vote or decision on a matter involving a business entity or real property in which the local public official has a substantial interest if it is reasonably foreseeable that an action on the matter would confer an economic benefit to the business entity involved;

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1131
ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1131** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

SENATE BILL 899 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 899, To provide an alternate procedure for the issuance of revenue obligations by regional and junior college districts.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 899 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 899** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Blake, Glasgow.

**COMMITTEE SUBSTITUTE SENATE BILL 292
ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 292, Relating to insurance required as a condition for obtaining a permit, license, or other authorization from a state agency.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 292
ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 292** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Blake, Glasgow.

**COMMITTEE SUBSTITUTE SENATE BILL 293
ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 293, Relating to the creation, operation, financing, regulation, and taxation of the Texas Insurance Exchange.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 293
ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 293 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed viva voce vote.

**MOTION TO PLACE
SENATE BILL 969 ON SECOND READING**

Senator Sims moved to suspend the regular order of business to take up for consideration at this time:

S.B. 969, Relating to the repeal of certain provisions of the Texas Clean Air Act [Art. 4477-5, Sec. 3.28(g) and (h)] dealing with operating permits.

The motion was lost by the following vote: Yeas 17, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Brooks, Brown, Farabee, Henderson, Jones, Krier, Leedom, Montford, Parker, Santiesteban, Sarpalius, Sims, Uribe, Washington, Whitmire, Zaffirini.

Nays: Anderson, Barrientos, Caperton, Edwards, Green, Johnson, Lyon, McFarland, Parmer, Tejada, Truan.

Absent: Harris.

Absent-excused: Blake, Glasgow.

**COMMITTEE SUBSTITUTE SENATE BILL 603
ON SECOND READING**

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 603, Relating to the amount of cash or security to be deposited by bondsmen as bail security, and declaring an emergency.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 603
ON THIRD READING**

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 603 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Anderson, Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Anderson.

Absent-excused: Blake, Glasgow.

SENATE BILL 1230 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1230, Relating to the representation on a county bail bond board of a county judge through a designee.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1230 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1230** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Blake, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Blake, Glasgow.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 8, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE TEXAS BOARD OF MENTAL HEALTH AND
MENTAL RETARDATION:

For a term to expire January 31, 1993:

PATTILOU DAWKINS

2810 Bonham

Amarillo, Texas 79109

Mrs. Dawkins will be replacing Jamie H. Clements of Temple whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

HOUSE BILL 1370 REREFERRED

On motion of Senator Farabee and by unanimous consent, **H.B. 1370** was withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on State Affairs.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.B. 168, To Committee on Health and Human Services.
H.B. 422, To Committee on Criminal Justice.
H.B. 440, To Committee on Jurisprudence.
H.B. 485, To Committee on Finance.
H.B. 547, To Committee on Finance.
H.B. 556, To Committee on State Affairs.
H.B. 604, To Committee on State Affairs.
H.B. 624, To Committee on Jurisprudence.
H.B. 826, To Committee on Criminal Justice.
H.B. 1123, To Committee on Economic Development.
H.B. 1160, To Committee on Criminal Justice.
H.B. 1165, To Committee on Intergovernmental Relations.
H.B. 1239, To Committee on Natural Resources.
H.B. 1294, To Committee on State Affairs.
H.B. 1565, To Committee on Jurisprudence.
H.B. 1875, To Committee on Health and Human Services.
H.B. 1896, To Committee on Natural Resources.
H.B. 1953, To Committee on Economic Development.
H.B. 1939, To Committee on State Affairs.
H.B. 1948, To Committee on Intergovernmental Relations.
H.B. 2445, To Committee on Finance.
H.B. 2514, To Committee on State Affairs.
H.C.R. 125, To Committee on Administration.
H.C.R. 146, To Committee on Jurisprudence.
H.C.R. 150, To Committee on Jurisprudence.
H.C.R. 151, To Committee on Jurisprudence.

MEMORIAL RESOLUTION

S.R. 516 - By Montford: Memorial resolution for Hannah Lee Barton Patterson.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 140 - (Brooks): Honoring the Atlantic Richfield Credit Union on its 50th anniversary.

H.C.R. 145 - (Washington): Commending Ray Hennig.

H.C.R. 154 - (Brooks): Extending congratulations to the La Porte High School boys' basketball team.

H.C.R. 155 - (Brooks): Extending congratulations to Coach Tom Holland of La Porte High School.

H.C.R. 161 - (Barrientos): Honoring The University of Texas Lady Longhorns.

H.C.R. 162 - (Barrientos): Extending congratulations to the Lanier High School drill team.

H.C.R. 192 - (Henderson): Proclaiming May 23 as the Great Texas Welcome Home Veterans Day.

H.C.R. 199 - (Brown): Designating an annual Space Science Week.

S.R. 515 - By Armbrister: Commending Luby's Cafeterias, Inc.

S.R. 517 - By Krier: Commending the San Antonio MacArthur High School Parent-Teacher Association.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:16 p.m. adjourned until 11:00 a.m. Monday, May 11, 1987.

APPENDIX

Signed by Governor
(May 6, 1987)

S.B. 82 (Effective September 1, 1987)

S.B. 151 (Effective immediately)

H.C.R. 171

(May 7, 1987)

S.C.R. 102

S.C.R. 42

H.C.R. 25

H.C.R. 136

H.C.R. 141

H.C.R. 144

H.C.R. 181

H.C.R. 180

S.B. 507 (Effective immediately)

S.B. 80 (Effective August 31, 1987)

H.B. 420 (Effective immediately)

S.B. 521 (Effective August 31, 1987)

H.B. 747 (Effective August 31, 1987)

H.B. 316 (Effective August 31, 1987)

(May 8, 1987)

H.C.R. 64

H.C.R. 98

H.C.R. 137

H.C.R. 164

H.C.R. 190

H.C.R. 191

Sent to Governor
(May 8, 1987)

S.C.R. 108

S.B. 26

S.B. 213

S.B. 267

S.B. 439

S.B. 506

S.B. 950

S.B. 1134**S.B. 1148**Filed with Secretary of State
(May 8, 1987)**H.J.R. 48****FIFTY-FOURTH DAY**

(Monday, May 11, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Absent-excused: Johnson, Washington.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, we thank Thee for the mercies shown us and ask this morning for Thy guidance for our lives. Grant to us strength for the daily tasks; hope in the presence of uncertainty; self-control in the hour of provocation and gentleness when tempted to revenge. In His name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 8, 1987, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Johnson was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 1223**S.B. 1222****H.B. 1621****C.S.S.B. 1479****S.B. 1152****C.S.S.B. 741****C.S.S.B. 1202**